



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/17/2023

ITEM NO: 11

DATE: October 4, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2022/23 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921) Completed by Spencon Construction and Authorize the Town Clerk to File for Recordation

RECOMMENDATION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year (FY) 2022/23 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921) completed by Spencon Construction and authorize the Town Clerk to file for recordation.

BACKGROUND:

The FY 2022/23 Curb, Gutter, and Sidewalk Maintenance Project focused on replacing or retrofitting curb ramps in compliance with the Americans with Disabilities Act (ADA) and other accessibility requirements. Title II of the ADA obligates jurisdictions to upgrade non-conforming curb ramps when streets are resurfaced from one intersection to another. The United States Department of Justice has determined that roadway resurfacing work such as asphalt overlay and rubber cape seal prompts curb ramps on associated streets to be installed or upgraded per the latest ADA requirements and standards.

At the February 7, 2023 Town Council meeting, Council approved the plans and specifications for bidding for the Annual (FY 2022/23) Curb, Gutter, and Sidewalk Maintenance Project. On March 2, 2023, the Town received five bids for base bid plus additive alternate ranging from \$427,520 to \$654,010. On April 4, 2023, Council authorized staff to award a construction contract to the lowest bidder, Spencon Construction, in an amount of \$427,520, plus a 10% contingency for a total contract amount of \$470,272.

PREPARED BY: Gary Heap
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

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DISCUSSION:

The construction project started in May 2023 and Spencon Construction has since satisfactorily completed all contracted work items, including Town requested change orders for additional work identified in the field during construction, for a final Spencon construction cost of \$465,530 as referenced in the fiscal table below. The project brought a total of 69 curb ramps into ADA compliance and replaced about 630 square feet of sidewalk and 570 linear feet of curb and gutter which were uplifted and damaged. Staff recommends accepting the project.

Five percent of the faithful performance bonds will remain in effect for a period of two years as a guarantee for any needed repair or replacement caused by defective materials and/or workmanship for the project. The execution and recordation of the Certificate of Acceptance is required to finalize the Town's acceptance and to release the retention funds withheld from the contractor.

CONCLUSION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the FY 2022/23 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), completed by Spencon Construction, and authorize the Town Clerk to file the certificate with the County Clerk-Recorder's Office for recordation.

COORDINATION:

This project has been coordinated with the Finance Department.

FISCAL IMPACT:

This report is meant to close out the contract with Spencon Construction associated with the FY 2022/23 work. There were sufficient funds available in the CIP Budget for the 2022/23 Curb, Gutter, and Sidewalk Maintenance Project CIP No. 813-9921 as displayed in the fiscal table.

The project fund balance carries forward into the next year's project.

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FISCAL IMPACT (continued):

FY 2022/23 Curb, Gutter, and Sidewalk Maintenance Project 813-9921		
	Budget	Costs
GFAR FY 2022/23	\$ 544,280	
Total Budget	\$ 544,280	
Spenco Contract Amount	\$ 427,520	
10% Contingency	\$ 42,752	
Total Contract Amount	\$ 470,272	
Construction Contract - Spenco Construction		\$ 427,520
Construction Contingency - Spenco Construction		\$ 38,010
Total Spenco Project Cost		\$ 465,530
Consultation Services - Ninyo & Moore		\$ 12,048
Advertising		\$ 865
Blueprint/Copy/Postage		\$ 296
Temporary/Part-time Staff		\$ 4,110
Total Expenditures		\$ 482,849
Remaining Budget		\$ 61,431

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt (Section 15301c). A Notice of Exemption was previously filed.

Attachment:

1. Certificate of Acceptance and Notice of Completion